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December 16, 2005

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
SECOND SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Weaver's Cove LNG Project
PROJECT MUNICIPALITIES : Fall River, Somerset, Swansea, and
Freetown
PROJECT WATERSHED : Taunton River
EOEA NUMBER : 13061
PROJECT PROPONENT : Weaver's Cove Energy, LLC
DATE NOTICED IN MONITOR : November 10, 2004

As the Secretary of Environmental Affairs, I hereby determine that the Second Supplemental Draft Environmental Impact Report (SSDEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and its implementing regulations (301 CMR 11.00).

However, while the SSDEIR is generally responsive to the scope contained in the Certificate on the SDEIR issued on December 17, 2004, significant issues remain to be addressed that will determine whether, and, if so, under what conditions the project can be permitted. In particular, I note that federal legislation prohibits demolition of the Brightman Street Bridge, a structure that has been described in previous MEPA filings as an obstruction to the safe operation of ships carrying liquefied natural gas. I will expect the Final EIR (FEIR) to demonstrate specifically how the project will address this threshold issue. I also expect that the FEIR will thoroughly address the scope contained herein, particularly with regard to the need to implement measures that avoid, minimize or

mitigate the significant environmental impacts of this project.

Project Description

As proposed, the project entails the construction of a liquefied natural gas (LNG) terminal in the City of Fall River, and natural gas pipeline facilities in Fall River, and the towns of Somerset, Swansea and Freetown. The proposed LNG terminal would be capable of handling LNG tankers with cargo capacities up to 145,000 cubic meters of LNG. To accommodate the anticipated 50 to 70 LNG tankers per year, the proponent proposes to dredge 2.6 to 3.1 million cubic yards of sediment from approximately 191 acres within the Taunton River and Mount Hope Bay. Proposed dredging depth would be to 37 feet below mean lower low water (MLLW). LNG unloaded from the ships would be stored in the proposed 200,000-cubic meter containment storage tank.

The project also proposes using various open trench techniques to construct two 24-inch diameter natural gas pipelines totaling 6.1 miles. One of the proposed pipelines, the 3.6-mile Northern Pipeline, would connect to the Algonquin interstate pipeline system in Freetown. The second pipeline, the 2.5-mile Western Pipeline, would cross the Taunton River and connect to the Algonquin pipeline system in Swansea. The project would also include the construction of two meter and regulation stations at the end of the pipelines in Freetown and Swansea. Both pipelines would have a design maximum pressure of 1,440 per square inch gauge.

MEPA History

The project was the subject of an Environmental Notification Form (ENF) in 2003. The Secretary's Certificate on the ENF required the preparation of a mandatory EIR and a Special Review Procedure (SRP) was established to guide the review of the project through both the MEPA and National Environmental Policy Act (NEPA) review processes. The project was the subject of a Draft EIR (DEIR) in 2004, which was found to be inadequate, and as a result, the Certificate on the DEIR required the preparation of a Supplemental Draft EIR (SDEIR). The SDEIR was also found to be inadequate and, as a result, the

preparation of a SSDEIR was required. In the interim, the project completed review under NEPA.

Proposed Changes Since the SDEIR

In accordance with the Secretary's Certificates on the Draft EIR (DEIR) and Supplemental Draft EIR (SDEIR), the proponent has evaluated the feasibility of off-shore disposal of dredged sediment as an alternative to placing dredged sediments on the project site. Instead of disposing of the dredge material on-site as originally proposed, and following a positive suitability determination by the USACE, the proponent is now proposing to dispose of the dredged material offshore at either the Rhode Island Dredge Material Disposal Site or the Massachusetts Bay Dredge Material Disposal Site as the preferred alternative for dredged sediment management. Both the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (ACOE) have determined that the material is suitable for open water disposal at the Rhode Island Sound Disposal Site and/or the Massachusetts Bay Disposal Site. Disposal of dredge material in open waters removes the limiting constraint of processing the dredged material on-site.

The SSDEIR also proposes several adjustments to the terminal site layout including moving the LNG storage tank approximately 100 ft. to the northeast parallel with the river shoreline, and modifying the shoreline layout to avoid impacts to more than half an acre of wetland resource areas. Additionally, under the off-shore disposal alternative, several changes would be made to the terminal site layout, the most significant of which is that the previously proposed landform to manage dredged sediment on-site would be eliminated. However, as originally proposed, large portions of the southern parcel would be filled and graded to provide the necessary elevations for the LNG facilities, which would range from approximately 25 to 40 feet.

Permitting Requirements

The project will require numerous state and federal permits. At the federal level, the project will require approvals by the Federal Energy Regulatory Commission (FERC),

ACOE, EPA, the U.S. Coast Guard (USCG), and the U.S. Department of Transportation (USDOT).

At the state level, the project will require a Chapter 91 License and Permit, Water Quality Certificates, a Water Supply Cross Connection Permit, a Non-Major Comprehensive Plan Approval, an Asbestos Abatement Permit, approval pursuant to the Massachusetts Contingency Plan, and Superseding Orders of Conditions (if local Orders of Conditions are appealed) from the Department of Environmental Protection (DEP) and State Highway Access and Construction Permits from the Massachusetts Highway Department (MassHighway). The project will also require Consistency Review by the Massachusetts Office of Coastal Zone Management Office (CZM), approval from the State Fire Marshal, and review and consultation by several other agencies with resource management responsibilities, including the Energy Facilities Siting Board (EFSB) and the Massachusetts Historical Commission (MHC). The project may also require a Site Assignment from DEP under the Solid Waste regulations. DEP has confirmed that the project would not require a Water Management Act Withdrawal Permit.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that have the potential to cause significant Damage to the Environment as defined in the MEPA statute and that are within the subject matter of required or potentially required state permits and approvals. In this case, MEPA jurisdiction is equivalent to full scope jurisdiction, given the large number of state permits required and the comprehensive subject matter of the required state permits.

SCOPE

General

The FEIR should follow the general guidance for outline and content contained in Section 11.07 of the MEPA regulations, as modified by this Scope. The FEIR should include a copy of this Certificate and of each comment letter received. The proponent should adhere to the following format in preparing the FEIR in

order to facilitate its review.

The proponent should circulate a hard copy of the FEIR to each state and local agency from which the proponent will seek permits or approvals, all those who commented on the SSDEIR, and to any parties specified in Section 11.16 of the MEPA regulations.

In the interest of broad public dissemination of information, I strongly encourage the proponent to send a notice of availability of the FEIR (including relevant comment deadlines, locations where hard copies may be reviewed and electronic copies obtained, and appropriate addresses) to all those who submitted comment letters on the ENF, DEIR and SDEIR. This notification may take the form of electronic notification for those comments submitted via e-mail.

To save paper and other resources, I will allow the proponent to circulate the FEIR in CD-ROM format, although the proponent should make available a reasonable number of hard copies available on a first-come, first-served basis, to accommodate those without convenient access to a computer.

Project Alternatives

The SSDEIR included an alternatives analysis that more fully considers and compares the environmental and safety impacts of various alternatives, as required by CZM's Energy Policy #1. However, the alternatives analysis in the SSDEIR was predicated on the assumption that the project would be able to meet its originally stated purpose of providing new supply of natural gas for New England by the end of 2007, and so evaluated other alternatives on the basis of their ability to meet the same purpose. As indicated in several comment letters, most notably those submitted by the City of Fall River and the Conservation Law Foundation, it appears that the project cannot meet its originally stated purpose and, in fact, the SSDEIR indicates that the project purpose is to generally meet the growing demand for natural gas in New England, with no target date specified. Given that the SSDEIR evaluated and dismissed alternative projects on the basis of their ability to meet the originally stated purpose for the Weaver's Cove, to deliver a

supply of natural gas to New England by the end of 2007, the alternatives analysis presented in the SSDEIR appears to insufficiently characterize the potential impacts and benefits of this project in relation to alternatives that can address a comparable purpose. I note that the City of Fall River has requested that I require the submission of a Notice of Project Change (NPC) to address this issue. While the substance of the City's comment has merit, the information requested relates to the adequacy of analysis of a range of alternatives already identified by the proponent, not to the evaluation of new alternatives. Therefore, the analysis can be accommodated within this scope for the FEIR. The FEIR should revise the alternatives analysis and present a clear discussion and comparison of alternatives under the proponent's revised project purpose. The analysis should be presented in detailed textual and summary matrix formats. The FEIR should respond to all comments regarding the alternatives analysis, including, in particular, those from the City of Fall River and the Conservation Law Foundation, to the extent that they are within MEPA jurisdiction.

As a component of the revised alternatives analysis, the FEIR must address the issue posed by recently passed federal legislation incorporated into the Transportation Equity Act that prohibits the use of federal funds for the demolition of the existing Brightman Street Bridge. Although the SSDEIR provided a short discussion of this issue, the viability of the entire Weaver's Cove project has been called into question as a result of this legislation, and certainly the ability of the project to meet its originally stated purpose. The FEIR should thoroughly address this issue by either demonstrating that the existing Brightman Street Bridge will be able to accommodate the passage of LNG tankers if it is not demolished, or by presenting another viable alternative for delivering LNG to the project site. This discussion should include a full analysis and discussion of any potential impacts that were not previously contemplated.

Dredging and Water Quality

As noted in the SSDEIR, the proponent submitted a draft Water Quality Monitoring Plan to DEP in August, 2005. DEP requires an approved Water Quality Monitoring Plan as part of

its review for Section 401 of the Clean Water Act Certification. After its review, DEP determined the draft Water Quality Monitoring Plan submitted last August to be deficient in several areas and notified the proponent. The FEIR should present an update to the draft Water Quality Monitoring Plan that addresses these deficiencies.

Specifically, DEP is concerned about the 60,000 cu yds of sediment that would be dredged from the vicinity of the pier and transported off-site for disposal. As noted in the SSDEIR, this sediment was not tested as part of the Tier III program, and is therefore not suitable for offshore disposal. While the SSDEIR did not provide specific information about the quality of this sediment, it was noted that the sediment contains elevated levels of lead and polycyclic aromatic hydrocarbons (PAHs). If the results of sediment analysis demonstrate that the sediment fails to meet the criteria listed in DEP's *Interim Policy for Sampling, Analysis, Handling and Tracking Requirements for Dredged Sediment Reused or Disposed at Massachusetts Permitted Landfills*, other DEP approval(s) for sediment disposal may be required. The FEIR should present the results of the sediment analysis and fully discuss any resulting permitting requirements.

The SSDEIR also did not indicate how and where the 60,000-cu yds of sediment are to be dewatered. The proponent must ensure that any discharge to the river meets the standards of the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, at a minimum and will be subject to permitting under NPDES. The FEIR should provide a detailed discussion of the dewatering process.

The FEIR should also present the results of the suspended sediment modeling, as requested by DEP in its comments.

On-going Site Remediation

Although the SSDEIR indicates that off-shore disposal of dredge sediment is now the preferred alternative, the proponent has not abandoned the possibility of pursuing the upland reuse alternative. If the upland reuse alternative is pursued, the FEIR should present a correlation of the Sampling and Analysis

Plan (SAP) dated December 10, 2002, and endorsed by DEP on January 7, 2003, with the borings that were installed and evaluated in the Conceptual Site Model (CSM).

In its comments, DEP indicates the proponent's intent to purchase the property where the current 21E site is located as well as take control of the remediation of the site. As a property owner and operator of the site, the proponent must submit a Minor Permit Modification and Permit Transfer to DEP prior to conducting or modifying the Comprehensive Response Actions at the site. The FEIR should report on the status of the project's compliance with these permitting requirements, if applicable.

The proponent has proposed to install a Sheet Pile Wall as part of the project to allow for additional fill to be added to the site. Prior to commencing construction activities within a 21E site, the proponent must submit a Construction Remedial Abatement Measure to DEP or include the proposed sheet pile wall in the modifications to the current remedial alternative. Prior to initiating any alternative remedial measures, the proponent must submit a revised Remedial Alternatives Analysis (Phase III) and Remedy Implementation Plan (Phase IV) as part of any upgrades, modifications or alterations planned for the site. The FEIR should also report on the status of the project's compliance with these permitting requirements.

The FEIR should also thoroughly address all of the issues raised in the comment letter submitted on behalf of Shell Oil, the party responsible for the current site remediation, questioning the adequacy of site remediation proposed by the proponent. The FEIR should present a resolution of these issues to the satisfaction of DEP.

Wetlands

As described in the SSDEIR, the proponent has modified the shoreline layout to avoid temporary and permanent impacts to salt marsh resource areas. As a result, mitigation for impacts to salt marsh is no longer required. However, the proponent has indicated that it will consider implementing salt marsh restoration and/or creation on-site in conjunction with other

mitigation plans. I strongly recommend that the proponent pursue this effort to mitigate likely impacts to fish egg and larvae populations during hydrostatic testing and when taking on ballast following delivery of LNG to the facility. The FEIR should provide an update, to the extent that the proponent proposes to implement this mitigation measure.

Water Supply

It has been gleaned from review under MEPA of other proposed LNG projects that the volumes of cooling water associated with those projects can be substantially reduced from original projections. Therefore, the FEIR should provide additional information on the associated cooling water intake requirements of the LNG tankers anticipated at the Weaver's Cove site, and that the proponents of this project also explore options for reduction of those intakes.

Chapter 91 Waterways

In its comments on the SDEIR, DEP requested a finalized *Navigation Work Plan* for construction of the facility, and all phases of dredging and pipeline installation. As noted in the SSDEIR, the final *Navigation Work Plan* is still under development in conjunction with the U.S. Coast Guard, Northeast Marine Pilots, Local Harbor Masters, U.S. Army Corp of Engineers and other parties. DEP requires this information to determine Chapter 91 impacts, if any, on water-dependent commercial and recreational uses within the area. The FEIR should include the final *Navigation Work Plan* or a summary, particularly because the issue of whether the existing Brightman Street Bridge is retained will have implications for its development. If not finalized, the FEIR should, at a minimum, provide an update of progress in developing the final *Navigation Work Plan*.

Marine Fisheries

As currently proposed, the project involves dredging within an existing federal navigation channel, installing structures, and discharging fill material in wetlands and waterways for the construction of the LNG import terminal, and natural gas pipeline facilities. Specifically, the proponent has proposed

to dredge approximately 2.5 million cu yds of material from within a footprint of approximately 200 acres; replace a pier with jetty structure; install sheet pilings to stabilize and straighten approximately 2,650 feet of shoreline; and permanently fill approximately 0.94 acres of intertidal habitat, and 0.17 acres of subtidal habitat. Previously proposed salt marsh impacts have been removed from the project.

Both DMF and the National Marine Fisheries Service (NMFS) have recommended that the proponent adhere to time-of-year (TOY) restrictions on dredging activities for the protection of winter flounder spawning and juvenile development and the upstream spawning migrations of anadromous fish. As such, both agencies maintain that no in-water silt-producing activity should occur between January 15 and May 31 of any year in order to minimize adverse impacts on winter flounder spawning and juvenile development habitat. In order to provide protection for upstream spawning migrations of anadromous fishery resources within the Taunton River, both agencies maintain that no in-water, silt-producing activity should occur between March 1 and July 31 of any year.

In addition, both DMF and NMFS have recommended that methods be utilized in order to minimize impacts on anadromous fish during the fall downstream migratory periods, and that either TOY restrictions or compensatory mitigation be required to offset unavoidable impacts on fish habitat. Both agencies maintain that these recommendations are necessary to sequentially avoid, minimize, and mitigate adverse effects to fishery resources and habitats. In order to protect downstream migrations of anadromous fishery resources, the FEIR should fully analyze alternatives that avoid and minimize impacts, such as TOY restrictions or project sequencing and restrictions on the number of dredges operating between July 31 and October 31.

The SSDEIR indicated that the project will result in a permanent loss of approximately 1.11 acres of aquatic habitat, including approximately .94 acres of intertidal habitat and .17 acres of subtidal habitat associated with proposed shoreline modifications. Permanent loss of these habitats will contribute to the overall degradation of habitat within the Mount Hope Bay/Taunton River complex. In the FEIR, the proponent should

commit to compensatory mitigation to offset permanent losses of this habitat.

Additionally, in its comments, DMF notes that while the SSDEIR describes the project area as containing shellfish habitat, it did not acknowledge the need for TOY restrictions to protect horseshoe crabs, oysters, quahogs, and soft-shell clams during their spawning periods. The FEIR should also thoroughly respond to DMF's comments regarding the following items:

- the potential impacts of the regular passage of deep-draft LNG tankers and support vessels through the Taunton River and Mount Hope Bay;
- the use of horizontal directional drilling (HDD) for pipeline installation; and
- the potential impacts of the withdrawal of millions of gallons of river water for ballast and hydrostatic testing on fish eggs, larvae, and juveniles.

The proponent should consult with DMF and NMFS to achieve consensus on appropriate mitigation measures and report on these consultations in the FEIR. Because TOY restrictions and other operational conditions would be specified in DEP's 401 Water Quality Certification for the project, DEP should be included in these consultations. The FEIR should present a schedule for dredging, taking into account the TOY restrictions agreed to by the proponent and the resource agencies. In the FEIR, the proponent should present a clear commitment to implement these mitigation measures.

Public Safety and Security

I note that many commenters continue to express concerns about the safety and security of the proposed LNG terminal, particularly with regard to the federal requirements for thermal exclusion and vapor dispersion zones, as well as safety and security of the LNG tankers as they would transit through Narragansett Bay, Mount Hope Bay and the Taunton River adjacent to densely-populated areas. While MEPA jurisdiction is largely focused on the environmental impacts of the project, the MEPA process is an appropriate forum to address the safety and security issues surrounding the project, particularly as they

relate to the examination of alternatives and navigational issues necessary for CZM to issue its federal consistency determination for the project. In response to comments from CZM regarding the analysis of public safety issues in the SDEIR, the proponent has provided additional information comparing the safety-related attributes of the project site and alternative sites in the SSDEIR. As CZM has stated in its comments, CZM's review of the safety and security considerations associated with this project will continue beyond the MEPA process and throughout CZM's Federal Consistency Review. The FEIR should report on the status of on-going consultations with CZM.

In its previous comments on the DEIR, DEP requested additional information regarding the exclusion zones for LNG vessels during passage, berthing and off loading, and waterside of the facility during operation. The SDEIR indicated that the proponent is preparing a *Facility Security Plan* that addresses these issues. The *Facility Security Plan* should be finalized for review by DEP prior to the issuance of a Chapter 91 License for the project. The FEIR should report on the status of the *Facility Security Plan*.

Transportation

The project site is located on the north side of Route 79, across from the intersection of the Route 79 ramps with North Main Street. Based on information presented in the SSDEIR, the project, when operational, will generate approximately 130 vehicle trips, including 40 truck trips, on an average weekday. During construction, which is projected to last three years, the project will generate up to 780 vehicle trips, including 80 truck trips, on an average weekday. A revised State Highway Access Permit is required for access to Route 79 and construction permits will be required to install pipelines across Route 138.

The SSDEIR addressed most of the concerns previously raised by the Executive Office of Transportation regarding delays, bridge closures, and scheduling. The proponent has provided some information regarding the potential delay in the construction of the Brightman Bridge replacement project and has agreed to continue planning of the LNG facility in accordance

with the bridge construction schedule, including any unforeseen delay in completion of the bridge. The proponent has committed to work with the U.S. Coast Guard to make every effort to prevent the simultaneous closures of both the Braga and Brightman Street Bridges.

The SSDEIR generally responded to concerns regarding potential structural impacts to the Brightman Street Bridge, the traffic operations impacts in the project study area, and impacts associated with temporary bridge closures during the passage of the LNG tanker. The SSDEIR also included queuing diagrams to demonstrate the effect a bridge closure would have on traffic in the area. Nevertheless, several commenters have continued to express serious concerns regarding the traffic impacts of bridge closures necessitated by the passage of LNG tankers. The FEIR should thoroughly respond to the additional comments received regarding the potential traffic impacts of bridge closures.

The SSDEIR included conceptual plans for proposed improvements to the intersection of North Main Street with New Street and the Route 79 ramps. The proponent has committed to construct a northbound left-turn lane on North Main Street at this intersection to accommodate vehicles turning left onto New Street, in particular, the tanker trucks that will be traveling to the facility. MassHighway recommends that a southbound left-turn lane also be incorporated into the proposed improvements plans at this intersection. In addition, the proponent has proposed to signalize this intersection prior to construction of the project if deemed necessary and approved by MassHighway. The proponent should continue to work with MassHighway to devise an appropriate program of traffic mitigation measures at the site drive and report on these consultations in the FEIR. The FEIR should also present conceptual plans for any additional mitigation measures and a clear commitment to implement these measures.

In addition, the FEIR should address the following issues. The proponent has identified safety issues with the merge section on North Main Street between the Route 79 northbound on- and off-ramps and the Route 79 southbound on- and off-ramps,

which is currently substandard. The proponent has committed to contribute financial assistance to the costs of the engineering design. However, the conceptual plan to extend the merge section will not be incorporated into the design plans for the Brightman Street Bridge replacement project. MassHighway will require the proponent to design and construct these improvements as part of the Weaver's Cove project in order to address safety concerns. The proponent should consult with MassHighway regarding this mitigation requirement and report on these consultations in the FEIR. The FEIR should also present conceptual plans for any additional mitigation measures and a clear commitment to implement these measures.

Both EOT and MassHighway have requested that the proponent install permanent variable message signs to provide advance notice to motorists in the case of a bridge closure. The placement of these signs would allow motorists to seek alternative routes and reduce traffic disruptions due to the bridge closures. The FEIR should analyze the feasibility of installing these signs at appropriate locations and commit to implementing this mitigation measure if feasible and approved by MassHighway.

The FEIR should provide clear commitments to implement the mitigation measures required by EOT and MassHighway. In addition, the FEIR should also address the specific comments of the Southeastern Massachusetts Regional Planning and Economic Development District (SRPEDD) regarding the question of whether the project's traffic impacts necessitate that the proponent construct extended acceleration and deceleration lanes on Route 79 northbound and southbound.

Air Quality

In its comments, DEP acknowledges that many of its concerns regarding the air quality impacts of the project have been reduced with the new off-shore disposal alternative. For example, while the preferred alternative will require 90 to 116 trucks trips per day over an 18-month period to deliver 700,000 to 900,000 cubic yards (cu yds) of clean fill to the site for earthwork and grading, it will be partially offset by the elimination of truck trips previously needed to deliver bulk

cement for use in stabilizing the dredged material, resulting in a net increase of 70 to 90 trucks per day over an 18 month period. In addition, the SDEIR states that these impacts will be more than offset by a considerable reduction in on-site heavy equipment that would have been required for barge unloading, sediment stabilization, construction of the landform, etc. In summary, the SDEIR indicates that construction period emissions will be reduced by approximately 15 percent under the offshore disposal plan. However, the SSDEIR did not discuss the air quality impacts that would result from the tugboat and barge trips necessary to transport the dredged sediment for off-shore disposal. The FEIR should thoroughly analyze these impacts and propose appropriate mitigation measures.

In addition, I note that the proponent has committed to participate in DEP's Diesel Retrofit Program as a means of mitigating adverse construction-period impacts from diesel emissions. However, this was not discussed directly in the section on air quality contained in the SSDEIR. The FEIR should provide a clear summary of all construction period air quality mitigation commitments by the proponent.

Historic and Archaeological Resources

Generally, the proponent should continue to work cooperatively with the Massachusetts Historical Commission (MHC) and provide the information requested in its comment letter regarding historic properties within the project's Area of Potential Effect (APE). The FEIR should specifically discuss the project's impacts to the neighboring Border City Mills apartment complex, a property listed on the National Register of Historic Places.

In its comments, MHC indicated that the SDEIR contained an accurate representation of the status of on-going consultations regarding archeological resources on the project site. The proponent should defer commencement of construction in order to allow additional archeological studies to be completed and to resolve adverse impacts to potentially significant on-site archeological resources that can be avoided. The FEIR should present a summary of consultations with MHC.

Responses to Comments

The FEIR should respond to the substantive concerns raised in each of the comment letters on the SSDEIR, to the extent that they are within MEPA jurisdiction. The FEIR should include a copy of each comment letter submitted to the Secretary of Environmental Affairs listed at the end of this Certificate.

Mitigation and Draft Section 61 Findings

The FEIR should include a final summary of all mitigation measures to which the proponent has committed. Additionally, to the extent that mitigation measures for the project, as proposed in the FEIR, differ from those proposed in the SSDEIR, the FEIR should include revised draft Section 61 Findings for use by the state permitting agencies.

December 16, 2005
Date


Stephen R. Pritchard

Comments received on the SSDEIR:

11/02/05 U.S. Rep. Barney Frank
11/28/05 Ronald Thomas
11/28/05 Baker Botts LLP on behalf of Weaver's Cove Energy LLP
 and Mill River Pipeline LLP
12/06/05 Thomas McHenry
12/09/05 Massachusetts Historical Commission
12/09/05 Division of Marine Fisheries
12/09/05 City of Fall River
12/09/05 Fall River Area Chamber of Commerce and Industry
12/09/05 Anderson and Kreiger LLP on behalf of Merchants Mills
 Limited Partnership
12/09/05 Taunton River Watershed Campaign
12/09/05 Taunton River Watershed Alliance
12/09/05 The Nature Conservancy
12/09/05 Raymond Leary
12/09/05 Karen Smigel

12/12/05 Department of Environmental Protection
12/12/05 National Oceanic and Atmospheric Administration -
 National Marine Fisheries Service
12/12/05 Town of Somerset Conservation Commission
12/12/05 Conservation Law Foundation
12/12/05 State Rep. David Sullivan
12/12/05 Bracewell & Giuliani, LLP on behalf of Shell Oil
 Products U.S.
12/12/05 Coalition for Responsible Siting of LNG Facilities
12/13/05 Executive Office of Transportation
12/13/05 Office of Coastal Zone Management
12/14/05 Weaver's Cove Energy
12/15/05 Southeastern Regional Planning and Economic
 Development District

SRP/RB/rb